

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES A BATTLE JR.,

Plaintiff,

v.

TONYA WICK, et al.,

Defendants.

Case No. C05-2045RSL-MJB

ORDER GRANTING DEFENDANTS'  
MOTION TO DISMISS

This matter comes before the court on Defendants' Motion to Dismiss (Dkt. 20) and on the court's Order to Show Cause why the case should not be dismissed (Dkt. 22). The court has considered the pleadings filed in support of and in opposition to the motion and this file herein. The plaintiff has not responded to either the motion or the Order to Show Cause.

The court considers plaintiff's failure to file papers in opposition to the motion to be an admission that the motion has merit (Western District of Washington Local Rule 7(c)). Furthermore, it appears from the documents in the file that Defendants' Motion to Dismiss is well founded in fact and law.

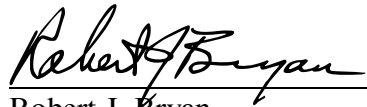
This motion was assigned by the Chief Judge to the undersigned Judge to assist Magistrate Judge Benton, who is on temporary sick leave.

1 Therefore, it is now ORDERED that

2 Defendants' Motion to Dismiss is GRANTED and this case is DISMISSED with prejudice.

3 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of  
4 record via the CM/ECF system and to any party appearing *pro se* at said party's last known address  
5 via the U.S. Mail.

6 DATED this 19<sup>th</sup> day of December, 2006.

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9 Robert J. Bryan  
United States District Judge